

APPLICANT(S): PAISS, Omry  
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### REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

### Status of Claims

Claims 1-20 are pending in the application. Claims 1, 6 and 11-18 have been amended. Applicant respectfully asserts that the amendments to the claims add no new matter.

### CLAIM REJECTIONS

#### 35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 1, 2, 11, 17 and 18 under 35 U.S.C. § 102(e), as being anticipated by Haimi-Cohen (US 6,233,320). Applicant believes this rejection has been overcome by the amendments indicated above in view of the remarks that follow.

Referring to the rejections to independent claims 1, 11 and 17, Applicant respectfully asserts that the Haimi-Cohen do not teach or fairly disclosed at least the following claimed elements of independent claims 1, 11 and 17: "...recording data packets of a conversation between a first wireless communication device to a second wireless communication device..." and "... a subscriber of a wireless conversation recording service...". Thus, a *prima facie* showing as required by M.P.E.P § 2142 can not be establish by Haimi-Cohen cited reference.

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Specifically, Applicant respectfully asserts that Haimi-Cohen may disclose a first active link of a wireless communication system by assuming that the far-end packet received from a wireless telephone. However, Haimi-Cohen does not teach or fairly disclosed a second active link of a wireless communication system. Applicant respectfully asserts that near-end packets thought by Haimi-Cohen received from internal connection of Haimi-Cohen telephone thus, can be considered as a link of a wireless communication system.

Additionally or alternatively, Applicant respectfully asserts that according to Applicant definition of a subscriber, the subscriber is defined as at least "the subscriber may have a subscription to the conversation recording service of the wireless communication system" (see page 8 lines 8-15).

Applicant respectfully asserts that Haimi-Cohen does not teach or fairly disclosed a subscriber and that the description of column 6 lines 29-34 does not indicate that the recorded packets are sent to a subscriber of a conversation recording service by playing the conversation as submitted by the Office Action.

Applicant respectfully asserts that a *prima facie* case over independent claims 1, 11 and 17 and cannot be established. Furthermore, Haimi-Cohen and Barak et al., taken separately, are devoid of any disclosing or suggestion of the limitations recited in claims 1, 11 and 17 and a *prima facie* case cannot be established, the combination of Haimi-Cohen and Barak et al. must necessarily be devoid of the required disclosing or suggestion of all the elements recited in claims 1, 11 and 17. Consequently, the combination cannot make Applicant's claims 1, 11 and 17 obvious. Thus, Applicant respectfully asserts that independent claims 1, 11 and 17 are patentable. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections to independent claims 1, 11 and 17.

Applicant notes that claims 2 depends from patentable base claim 1 and claim 18 depends from patentable base claim 17. In this regard, in addition to any independent bases for patentability, Applicant respectfully submits that claims 1 and 18 are patentable over the cited reference by virtue of at least such dependency on patentable base claims 1 and 17, respectively. Accordingly, Applicant respectfully requests that the §102 rejection of claims 1, 2, 11, 17 and 18 be withdrawn.

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### 35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 3-8, 10, 12-16, 19 and 20 under 35 U.S.C. § 103(a), as being unpatentable over Haimi-Cohen (US 6,233,320) in view of Barak et al. (US 6,792,093). Applicant believes this rejection has been overcome by the amendments indicated above in view of the remarks that follow.

In regards of claims 3-5, Applicant notes that claims 3-5 depend from patentable base claim 1. In this regard, in addition to any independent bases for patentability, Applicant respectfully submits that claims 3-5 are patentable over the cited reference by virtue of at least such dependency on patentable base claim 1. Accordingly, Applicant respectfully requests that the §103 rejection of claims 3-5 be withdrawn.

In regards of independent claims 6 and 14, it is well established that obviousness requires a disclosing or a suggestion by the prior art of all the elements of a claim (M.P.E.P. §2142). Without conceding the appropriateness of the combination, Applicant respectfully submits that the combination of Haimi-Cohen and Barak et al. does not meet the requirements of an obvious rejection in that neither of the references disclose or suggests at least the element of "...a subscriber of a wireless conversation recording service ...", as claimed in independent base claims 6 and 14.

Since Haimi-Cohen and Barak et al., taken separately, are devoid of any disclosing or suggestion of the limitations recited in claims 6 and 14, the combination of Haimi-Cohen and Barak et al. must necessarily be devoid of the required disclosing or suggestion of all the elements recited in claims 6 and 14. Consequently, the combination cannot make Applicant's claims 6 and 14 obvious.

Applicant would like to emphasize that the preceding paragraphs were not intended to attack Haimi-Cohen and Barak et al. separately. But instead, Applicant has shown how each is devoid of claimed elements so that, by default, the combination is also devoid of at least some of the features of Applicant's claimed invention. Accordingly, Applicant respectfully requests that the §103 rejection of claims 6 and 14 be withdrawn.

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Applicant notes that claims 7-8 and 10 depend from claim 6, claims 12-13 depend from claim 11, claims 15-16 depend from claim 14 and claims 19-20 depend from claim 17. Thus, in addition to any independent bases for patentability, Applicant respectfully submits that claims 7-8, 10, 12-13, 15-16 and 19-20 similarly patentable over the cited references by virtue of at least such dependency. Accordingly, Applicant respectfully requests that the rejection of such claims be withdrawn.

In addition, Applicant notes that Haimi-Cohen is not cited as curing the deficiencies of Barak et al. and does not, in fact, cure such limitations. In this regard, without conceding the appropriateness of the combination, or the characterization of such references vis a vis claims 3-8, 10, 12-16, 19 and 20, Applicant respectfully submits that the combination of the Haimi-Cohen in view of Barak et al. references fail to disclose or suggest that which is claimed in claims 3-8, 10, 12-16, 19 and 20. Accordingly, in addition to any independent bases for patentability, it is respectfully submit that claims 3-8, 10, 12-16, 19 and 20 are similarly patentable over the cited references by virtue of at least such dependency.

In the Office Action, the Examiner rejected claim 9 under 35 U.S.C. § 103(a), as being unpatentable over Haimi-Cohen (US 6,233,320) in view of Barak et al. (US 6,792,093) and in further view of Liu et al. (US 6,434,139).

Applicant respectfully traverses the rejection of claim 9 under 35 U.S.C. § 103(a), as being unpatentable over Haimi-Cohen in view of Barak et al. and in further view of Liu et al.

Applicant notes that claim 9 depends from patentable base claim 6. In this regard, in addition to any independent bases for patentability, Applicant respectfully submits that claim 9 is patentable over the cited reference by virtue of at least such dependency on patentable base claim 6. Accordingly, Applicant respectfully requests that the §103 rejection of claim 9 be withdrawn.

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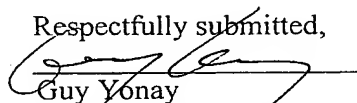
### CONCLUSION

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,

  
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